

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CENTEX HOMES dba CENTEX REAL ESTATE CORPORATION, a Nevada general partnership; CENTEX CONSTRUCTION OF NEW MEXICO, LLC, a foreign limited liability company; PULTE DEVELOPMENT NEW MEXICO, INC., a Michigan corporation,,

Plaintiffs,

v.

PELEUS INSURANCE COMPANY, a Virginia corporation; CENTRAL MUTUAL INSURANCE COMPANY, an Ohio corporation; HDI GLOBAL SPECIALTY SE fka INTERNATIONAL INSURANCE OF HANNOVER, a New York corporation; SENTINEL INSURANCE COMPANY, LTD, a Connecticut corporation; COLORADO CASUALTY COMPANY, a New Hampshire corporation; THE CINCINNATI INSURANCE COMPANY, an Ohio corporation; THE CINCINNATI CASUALTY COMPANY, an Ohio corporation; DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY, a Pennsylvania corporation; HARTFORD CASUALTY INSURANCE COMPANY, a New Jersey corporation; CLARENDON NATIONAL INSURANCE COMPANY, as successor in interest by way of merger with Sussex Insurance Company fka as Companion Property and Casualty Insurance Company, a Texas corporation; FIRST MERCURY INSURANCE COMPANY, a Delaware corporation; CENTURY SURETY COMPANY, an Ohio corporation; UNITED SPECIALTY INSURANCE COMPANY, a Delaware corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation; GEMINI INSURANCE COMPANY, a Delaware corporation; WESTFIELD INSURANCE COMPANY, an Ohio corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY &

No. 1:22-cv-00037-KWR-KK

The Hon. Kea W. Riggs

**ORDER GRANTING STIPULATION TO
DISMISS ALL OF PLAINTIFFS' CLAIMS
AGAINST DEFENDANT FIRST
MERCURY INSURANCE COMPANY
(ECF No. 197)**

LIABILITY COMPANY, a Texas corporation; STARR SURPLUS LINES INSURANCE COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation; OHIO SECURITY INSURANCE COMPANY, a New Hampshire corporation; UNION STANDARD INSURANCE COMPANY, a Texas corporation; BITCO GENERAL INSURANCE CORPORATION fka BITUMINOUS CASUALTY CORP., an Iowa corporation,

Defendants.

AND RELATED COUNTER-CLAIMS

ORDER GRANTING STIPULATION TO DISMISS ALL OF PLAINTIFFS' CLAIMS AGAINST DEFENDANT FIRST MERCURY INSURANCE COMPANY (ECF No. 197)

Pursuant to the Stipulation to Dismiss All of Plaintiffs' Claims Against Defendant FIRST MERCURY INSURANCE COMPANY filed on **April 18, 2023** (ECF No. 197),

IT IS SO ORDERED that all of Plaintiffs' claims brought or that could have been brought against Defendant FIRST MERCURY INSURANCE COMPANY, in the instant matter, Case No. 1:22-cv-00037-KWR-KK, are hereby **DISMISSED WITH PREJUDICE** pursuant to FRCP 41(a)(1) including Plaintiffs' claims for attorney's fees and costs incurred by Plaintiffs in defense of the Brannan Claim (as defined in Plaintiffs' Complaint). Each party shall bear their own attorneys' fees and costs with respect to the dismissed claims in this action.

DATED: April 18, 2023 (04/18/2023)

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

RESPECTFULLY SUBMITTED BY:

PAYNE & FEARS LLP

By: /s/ Sarah J. Odia

Sarah J. Odia, Esq.

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